

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

CASCADE INTEGRATED SERVICES, LLC,)
a Nevada Limited Liability Company,)
Plaintiff,)
v.) Case No. CIV-15-158-M
ORION CONSTRUCTION SERVICES CORP.,)
an Oklahoma corporation,)
Defendant.)

ORDER

On February 13, 2015, defendant Orion Construction Services Corp. (“Orion”) was served. *See* Return of Service [docket no. 3]. The time for Orion to answer or otherwise plead or move expired on March 3, 2015. *See* Fed. R. Civ. P. 12(a)(1)(A). Orion has filed no entry of appearance, answer, request for extension of time, or any other motion. On April 8, 2015, plaintiff filed a Motion for Default Judgment and Brief in Support [docket no. 8].

Based upon the above, the Court finds Orion is in default. If a court determines that a defendant is in default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. 10A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 2688, at 58-59 (3d ed. 1998). The Court, taking the factual allegations of plaintiff's Complaint as true, finds that plaintiff is entitled to judgment on its claims.

Plaintiff's Complaint alleges breach of contract, unjust enrichment, promissory estoppel, and damages in the amount of \$85,347.80, against Orion. In assessing the appropriate amount of damages, the Court has carefully reviewed the uncontested allegations and the circumstances surrounding Orion's actions. The Court concludes that damages in the amount of \$85,347.80 are

appropriate. It also appears that an award of costs and attorney fees, in accordance with Federal Rule of Civil Procedure 54(d)(2) and Local Civil Rule 54.1, are appropriate. Plaintiff is granted leave to file a properly supported motion for attorney fees and costs in accordance with the Court's local rules.

Accordingly, the Court GRANTS Plaintiff Cascade Integrated Services, LLC's Motion for Default Judgment and Brief in Support [docket no. 8], ORDERS that default judgment be entered against Orion, forthwith, and ASSESS damages in the amount of \$85,347.80. Interest shall accrue at the rate permitted by 28 U.S.C. § 1961. A separate judgment will issue.

IT IS SO ORDERED this 5th day of May, 2015.



VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE